



Agenda Item Number: \_\_\_\_\_

## **BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS**

**Meeting Date:** April 26, 2005

**Department:** Zoning, Building and Planning **Staff Contact:** Catherine VerEecke, Program Planner

**TITLE:** APPEAL: Special Use Permit for Specific Use for R-2 Uses (two single family dwelling units) (CSU-40015/CO-40007)

### **COUNTY PLANNING COMMISSION RECOMMENDATION:**

Approval

#### **SUMMARY:**

At the March 2, 2005 public hearing, the County Planning Commission (CPC) voted (6-0; Pacias excused) to recommend approval of the request for a Special Use Permit for a Specific Use for R-2 Uses (two single family dwelling units) on Tract 82A1A2 excluding the northerly portion, MRGCD Map #22, located at 1118 Alameda Boulevard NW, on the south side of Alameda Boulevard and approximately 200 feet east of Rio Grande Boulevard, zoned A-1, containing approximately 1.07 acres. The decision was based on nine (9) Findings and subject to seventeen (17) Conditions. (Attachment 1).

This request was originally submitted for a Special Use Permit for Specific Use for Offices. In June 2004, the County Planning Commission recommended denial of the request as the applicant had not demonstrated that the property could not be developed under the existing A-1 zoning and is not in a designated commercial center (see Attachment 2, p. 40). The decision was appealed to the Board of County Commissioners (BCC), and in October 2004, the BCC remanded the case to the CPC for consideration for R-2 Uses (single family dwelling units) (see Attachment 2, p. 86). In December 2004, the applicant submitted a revised request and site plan for R-2 uses on the site, showing three single family dwelling units.

During the March 2, 2005 hearing, the CPC considered the request for a Special Use Permit to allow the construction of three single family residential dwelling units on the subject property. Staff recommended denial of the request, based on non-compliance with the Albuquerque/Bernalillo County Comprehensive Plan and North Valley Area Plan policies for the Rural Area, which call for low density residential uses, specifically one dwelling unit per acre under A-1 zoning. In addition, the applicant had provided no evidence of substantial neighborhood support, which is required per Section 18.B.32.a of the County Zoning Ordinance. Adjacent property owners stated that the request for three dwelling units on the site is inappropriate for the site as it would be too dense for the Rural Area. However, they suggested that two dwelling units would not be inconsistent with the rural character of the neighborhood, and the CPC thus decided to recommend approval of the Special Use Permit for two dwelling units.

The applicant is now appealing the CPC decision to allow two dwelling units on the property, stating he believes there is justification for three dwelling units. The rationale for the appeal provided by the applicant is as follows: 1) there appears to be less opposition for the current request for residential use than there was for the office uses; 2) the request is for a quality proposal, rather than a 'cookie cutter'

subdivision; and 3) the cost of providing infrastructure to the site adds to the necessity for three dwelling units (Attachment 3).

### **Criteria for Evaluating Zone Map Changes and Special Use Permit Applications**

Resolution 116-86 (see Attachment 4) states that the applicant must demonstrate that the existing zoning is inappropriate because:

1. there was an error when the existing zone map was created; or
2. changed neighborhood or community conditions justifies a land use change; or
3. a different land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other County Master Plan, the even though (1) and (2) above do not apply.

<b>ATTACHMENTS:</b>	<b>PAGE</b>
1. County Planning Commission Notice of Decision Letter (March 3, 2005).	3
2. County Planning Commission Information Packet.	8
3. Appeal application and justification.	127
4. Resolution 116-86.	138
5. Site Plan (Commissioners Only).	

## **STAFF ANALYSIS SUMMARY**

### **ZONING, BUILDING & PLANNING DEPARTMENT:**

Staff Recommends Denial of Appeal.